



MCI Communications
Corporation

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Washington, DC 20006
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Donald Evans
Director
Regulatory Affairs

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

March 26, 1993

Ms. Donna Searcy
Secretary
Federal Communications Commission
Room 222
1919 M Street, NW
Washington, DC 20554

Re: RM-8181

Dear Ms. Searcy:

Enclosed for filing are the original and five copies of
MCI's comments in the above captioned proceeding. Please affix a
proper notation to mark as received for filing.

Yours truly,

Donald F. Evans

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MAR 26 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)
Petition of the Inmate Calling)
Services Providers Task Force) RM-8181
for Declaratory Ruling)

MCI Reply Comments

MCI Telecommunications Corporation (MCI) herein files its reply comments in the above captioned proceeding. Some local exchange carriers (LECs) have filed comments in this proceeding. US West Communications, Inc. (US West), the NYNEX Telephone Companies (NYNEX), Southern New England Telephone Company (SNET), Southwestern Bell Telephone Company (SWB), and Pacific Bell and Nevada Bell (Pacific) have each filed oppositions to this proceeding. Two parties, Advanced Technologies Cellular Telecommunications (Advanced Technologies) and Capital Network System, Inc. (CNS), file identical comments in support of Inmate.

The LECs attempt to read Tonka in a means so as to include inmate-only phones in the Part 68 exemption and therefore allow them to provide inmate-only phones on a regulated basis.¹ The whole basis for the LECs' conclusion that the Part 68 exemption is valid for inmate-only phones rests in their argument that inmates are a part of the "public."² This argument is without merit.

¹ See, SNET at 2, NYNEX at 4, SWB at 4, and Pacific at 3.

² See, Pacific at 6.

According to the Supreme Court, "[l]awful incarceration brings about the necessary withdrawal or limitation of many privileges and rights, a retraction justified by the consideration underlying our penal system." Price v. Johnson, 334 U.S. 266, 285 (1948). More recently, the Court wrote:

The fact of confinement and the needs of the penal institution impose limitations on constitutional rights.

Report and Order, CC Docket No. 90-313, n. 30, April 15, 1991. The very fact that inmates are removed from the public and incarcerated is to ensure they do not interact with the public. Nothing could be clearer. To even suggest that inmates are part of the public is unfounded. Therefore, the Commission must find that inmate-only phones are not "public" phones in the meaning of Tonka or the Part 68 exemption and must require that the LECs provide these phones as CPE.

Respectfully submitted,

MCI TELECOMMUNICATIONS CORPORATION



Donald F. Evans
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Dated: March 26, 1993

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge,
information and belief there is good ground to support it. and

CERTIFICATE OF SERVICE

I, Susan Travis, do hereby certify that copies of the foregoing MCI Reply Comments were sent via first class mail, postage paid, to the following on this 26th day of March 1993.

Susan Travis
Susan Travis

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